

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7333**

**BILL NUMBER:** SB 310

**NOTE PREPARED:** Feb 24, 2005

**BILL AMENDED:** Feb 21, 2005

**SUBJECT:** Open Door Law Violations.

**FIRST AUTHOR:** Sen. Gard

**FIRST SPONSOR:** Rep. Koch

**BILL STATUS:** As Passed - Senate

**FUNDS AFFECTED:** X **GENERAL  
DEDICATED  
FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** The bill provides that absent express statutory authorization, a member of a governing body who is not physically present at a meeting but communicates with board members during the meeting by telephone, computer, videoconferencing, or any other electronic means of communication may not participate in a final vote taken at the meeting.

This bill also provides that a series of gatherings by the governing body of a state or local government agency violates the Open Door Law if:

- (1) less than a quorum of members of the governing body attend each gathering;
- (2) the total number of members attending all gatherings constitutes at least a quorum of the governing body;
- (3) All the gatherings concern the same subject matter and are held within a period of not more than seven days; and
- (4) the gatherings are held for the purpose of conducting official business.

**Effective Date:** July 1, 2005.

**Explanation of State Expenditures:** (Revised) *Presence of Members:* This bill provides that absent express statutory authorization, a member of a governing body who is not physically present at a meeting but communicates with the board members during the meeting by telephone, computer, videoconferencing, or any other electronic means of communication may not participate in final action taken or be considered to be present at the meeting. This provision will have no fiscal impact.

*Public Access Counselor:* Persons concerned with possible violations of the state's Open Door Law may ask the Public Access Counselor for an informal inquiry response or an advisory opinion prior to seeking remedy in a court. Any additional administrative impact on the Counselor as a result of this provision could presumably be absorbed using existing resources.

The bill specifically excludes a governing body of a state educational institution (board of trustees) and a governing body of a joint agency created under IC 8-1-2.2 (local joint body to plan utility services) . All other public agencies are subject to the state's Open Door Law.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** Local public agencies are also subject to the state's Open Door Law.

**Explanation of Local Revenues:**

**State Agencies Affected:** All; Public Access Counselor.

**Local Agencies Affected:** All.

**Information Sources:**

**Fiscal Analyst:** Adam Brown, 317-232-9854.